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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,317	12/12/2003	Michael S. Ray	DP-311311	1368
22851	7590	10/15/2007		
DELPHI TECHNOLOGIES, INC.			EXAMINER	
M/C 480-410-202			AN, SHAWN S	
PO BOX 5052				
TROY, MI 48007			ART UNIT	PAPER NUMBER
			2621	
			MAIL DATE	DELIVERY MODE
			10/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/734,317	Applicant(s) RAY ET AL.	
	Examiner Shawn S. An	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/18/05, 1/24/05</u>  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Schofield et al (5,670,935).

**Regarding claim 1**, Schofield et al discloses an apparatus for displaying a video image of a scene in a travel path of a vehicle, comprising:

a video camera device (Fig. 1, 14, 16) and lens (inherency emphasized) for imaging a field of view including said travel path, the field of view including out-of-path objects that are out of the travel path as well as in-path objects that are in said travel path (see Fig. 1);

a video display device (Fig. 3, 20) for displaying the imaged field of view (42);  
and

means for providing a reticle on said video display device for visually delineating (Fig. 3, 50, 52) an in-path portion of the field of view in which said in-path objects are displayed (Fig. 3, 48) from an out-of-path portion of the field of view in which the out-of-path objects are displayed (Fig. 3, 44, 46; col. 5, lines 48-67; col. 6, lines 1-12).

**Regarding claim 2**, Schofield et al discloses the delineated in-path portion of the displayed field of view being conical or frustro-conical (48).

**Regarding claim 3**, Schofield et al discloses the delineated in-path portion of the displayed field of view is conical or frustro-conical (48), and said reticle includes one or more stadia lines (see also 48, lines indicating estimation of an object's range from

the vehicle) traversing the in-path portion for aiding estimation of an object's range from the vehicle.

**Regarding claim 6**, Schofield et al discloses a series of successively receding stadia lines in the delineated in-path portion of the displayed field of view corresponding to successively longer ranges from said vehicle (48; shorter the receding line, longer the range).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al (5,670,935).

**Regarding claim 4**, Schofield et al discloses stadia lines having a width that corresponds to a width of the vehicle (48).

Therefore, it would have been considered obvious to modify stadia lines such that the stadia lines have a length that corresponds to a width of the vehicle just as long as the desired result is substantially the same.

**Regarding claim 5**, Schofield et al discloses the delineated in-path portion of the displayed field of view being wider than the length of the stadia lines (48).

5. Claims 7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al (5,670,935) in view of Chin et al (5,673,143).

**Regarding claim 7**, Schofield et al does not particularly disclose a reticle substrate disposed between the video camera device and the lens, and a reticle array formed on the reticle substrate such that the imaged and displayed field of view includes an image of the reticle array, the reticle being defined by such image of such reticle array.

However, Chin et al teaches an imaging device comprising a reticle substrate (aiming reticle) being used with the video camera (imaging) device and the lens, and a reticle array (stadia lines) formed on the reticle substrate such that the imaged and displayed field of view includes an image of the reticle array (dual set of stadia lines; one for use with the add-on telescopic lens), the reticle being defined by such image of such reticle array as an efficient means to estimate an object's range (col. 2, lines 32-54).

Therefore, it would have been considered obvious to a person of ordinary skill in the relevant art employing an apparatus for displaying a video image as taught by Schofield et al to incorporate the Chin's teachings as above so that the reticle substrate is disposed between the video camera device and the lens, and the reticle array is formed on the reticle substrate such that the imaged and displayed field of view includes an image of the reticle array, the reticle being defined by such image of such reticle array as an efficient means to estimate an object's range.

**Regarding claim 9**, Schofield et al discloses in-path portion of the displayed field of view being conical or frustro-conical (48), and the reticle includes one or more stadia lines (see also 48, lines indicating estimation of an object's range from the vehicle) traversing the conical or frustro-conical region for aiding estimation of an object's range from the vehicle.

**Regarding claim 10**, it is considered an obvious design choice for the reticle substrate to be a cover of said video camera device, since the reticle substrate is disposed between the video camera device and the lens.

***Allowable Subject Matter***

6. Claim 8 is objected to as being dependent upon rejected base claim 1, but would be allowable:

if claim 8 is rewritten in independent form including all of the limitations of the base claim 1 and any intervening claims.

**Dependent claim 8** recites novel features comprising the reticle substrate being optically transparent, and the reticle array including a conical or frustro-conical region of substantially un-attenuated light transmissivity corresponding to the in-path portion of the displayed field of view, and a region of perceptibly attenuated light transmissivity corresponding to the out-of-path portion of the displayed field of view.

The prior art of record fails to anticipate or make obvious the novel features.

Accordingly, if the amendments are made to the claims listed above, and if rejected claims are canceled, the application would be placed in condition for allowance.

***Conclusion***

7. The prior art made of record is considered pertinent to Applicant's disclosure.

A) Sakiyama et al (2002/0128754 A1), Vehicle driving support system, and steering angle detection device.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn S. An* whose telephone number is 571-272-7324.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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10. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



**SHAWN AN**  
**PRIMARY EXAMINER**

10/10/07